IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Jack WASSOM et al.	Art Unit	: 2173
Serial No.	: 09/224,211	Examiner	: Ba Huynh
Filed	: December 30, 1998	Conf. No.	: 3985
Title	: CUSTOMIZED USER INTERFACE		

Mail Stop Appeal Brief – Patents – Supplemental Appeal Brief
Commissioner for Patents
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In communications dated July 25, 2006, the Patent Office indicated that the appeal brief filed on July 5, 2006 did not comply with 37 CFR 41.37. In particular, the Patent Office indicated that the "Summary of Claimed Subject Matter" section of the appeal brief did not contain a concise explanation of all independent claims; the "Arguments" section of the appeal brief did not state all statutes that were grounds for rejection; and the "Appendix of Claims" improperly included status identifiers. The appeal brief has been modified in response, and now includes a corrected "Summary of Claimed Subject Matter" section, "Arguments" section, and "Appendix of Claims."

<div align="center">BRIEF ON APPEAL</div>

(1)   Real Party in Interest

America Online, Inc., the assignee of this application, is the real party in interest.

(2)   Related Appeals and Interferences

There are no related appeals or interferences.

(3)   Status of Claims

Claims 79-89 and 107 are pending in this application, with claims 79 and 107 being rejected. Claims 1-78, 90-106 and 108 have been previously cancelled. All of the pending claims stand rejected. Appellants appeal the rejections of all of the pending claims.

(4)   Status of Amendments

On March 6, 2006, an after-final response was filed. The March 6, 2006 response did not amend any of the pending claims and was entered, as indicated by an advisory action on March 28, 2006. A notice of appeal was filed on May 5, 2006.

(5)   Summary of Claimed Subject Matter

The currently appealed claims are directed to the tailoring of favorites menus to specific users. The following summarizes independent claims 79 and 107, and points to specific implementation examples described in the application specification.

Independent claim 79 is directed to a method of tailoring a user interface favorites menu for a user. A first favorites menu is provided. The first favorites menu is related to a first content and configured to enable access to the first content by users having a first demographic characteristic. In one implementation example, an adult toolbar 118 is provided that enables users having an age corresponding to an adult (i.e., 18 years or older) to access a favorites pull down menu control 118g that contains references to content frequently accessed by an adult. See Fig. 5B; page 6, lines 17-20. A second favorites menu is provided. The second favorites menu is related to a second content and configured to enable access to the second content, by users having a second demographic characteristic, which differs from the first demographic characteristic. In one implementation example, a kid's toolbar 124 is provided that enables users having an age corresponding to a child (i.e., 12 years and under) to access a shortcuts pull down menu control 124g that contains references that enable a child to access electronic content of special interest to kids (e.g., school project ideas). See Fig. 5B; page 6, lines 20-22. An online identifier, such as, for example, a user identifier 142 (e.g., a screen name), is received for a user by a host 144. See Fig. 6; page 5, lines 12 and 13; page 6, lines 23-27. A demographic characteristic, such as, for example, the user's age grouping, is accessed from a database, such as, for example, a stored table 154, based on the user identifier 142. See page 4, lines 11-16; Fig. 6; page 6, line 28 to page 7, line 1. Based on the demographic characteristic associated with the user, a selected favorites menu is selected from among a plurality of favorites menus that include the first and second favorites menus. In one implementation example, the host 144 selects a set of toolbar controls from among multiple stored sets of toolbar controls based on the accessed age grouping. Each set of toolbar controls may correspond to a particular age grouping and may

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include a favorites menu specific to that age grouping. See Fig. 6, page 6, line 28 to page 7, line 3; and Fig. 5B. The selected favorites menu is automatically made perceivable to the user. In one implementation example, after a client system 140a initializes a network session by sending a message including the user identifier 142 to the host 144, the host 144 automatically sends to the client system 140a toolbar information corresponding to the set of toolbar controls selected by the host 144 for the user's age grouping, including the associated favorites menu. The client system 140a automatically displays a toolbar having the corresponding toolbar controls, including the associated favorites menu, to the user. See Fig. 6, page 6, line 25 to page 7, line 3. The selected favorites menu includes a plurality of links, each of which is selectable to access a particular content item. See Fig. 5B, page 6, lines 17-22. The user may manually add links to the plurality of links or remove links from the plurality of links in the selected favorites menu such that subsequent perception of the selected favorites menu reveals a menu of favorites that includes added links and excludes removed links. In one implementation example, the adult toolbar 118g and the kid's toolbar 124g include an "edit shortcuts" option that enables the user of the client system 140a to manually add and remove links (i.e., edit the set of links) in their respective favorites menus for subsequent access. See Fig. 5B; page 7, line 9-11.

Independent claim 107 is directed to a system that includes means for performing the method described by claim 79. In one implementation example, the host 144, by executing software instructions 146, accessing table 154, and communicating with client 140a, performs the recited functions. See Fig. 6, page 6, line 22 to page 7, line 23. Specifically, the host 144, through communications with the client 140a, provides a first favorites menu related to first content and configured to enable access to the first content by users having a first demographic characteristic and provides a second favorites menu related to second content and configured to enable access to the second content, which differs from the first content, by users having a second demographic characteristic, which differs from the first demographic characteristic. See Fig. 5B; page 6, lines 17-22. The host 144, through communications with client 140a, receives an online identifier for a user, accesses a demographic characteristic associated with the user in a database based on the online identifier for the user and automatically selects, based on the demographic characteristic associated with the user, a selected favorites menu from among a plurality of favorites menus that include the first and second favorites menus. See Figs. 6 and

5B; page 4, lines 11-16; page 5, lines 12 and 13; page 6, line 23 to page 7, line 3. The host 144, through communications with client 140a, automatically makes the selected favorites menu perceivable to the user, the selected favorites menu containing a plurality of links, each link selectable to access a particular content item; and enabling the user to manually add links to the plurality of links or remove links from the plurality of links in the selected favorites menu for that user, where subsequent perception of the selected favorites menus reveals a menu of favorites that includes added links and excludes removed links. See Figs. 6 and 5B; page 6, line 25 to page 7, line 11.

(6)   **Grounds of Rejection**

(a) Independent claim 79 and its dependent claims 80-82, 84 and 89 have been rejected under 35 U.S.C. §102(e) as being anticipated by Bates (U.S. Patent No. 6,184,886). Claims 83 and 85-88, which depend from claim 79, have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bates.

(b) Independent claim 107 has been rejected under 35 U.S.C. §102(e) as being anticipated by Bates.

(7)   **Argument**

Appellants submit the following arguments in support of reversal of the rejections of the above-listed claims as being unpatentable over Bates.

(a)   **The subject matter of independent claim 79 and its dependent claims 80-89 are not anticipated under 35 U.S.C. §102(e) by the teachings of Bates or obvious under 35 U.S.C. §103(a) in view of the teachings of Bates**

Claim 79, as amended, recites a method for tailoring a user interface favorites menu for a user. The method includes providing a first favorites menu related to first content and configured to enable access to the first content by users having a first demographic characteristic and providing a second favorites menu related to second content and configured to enable access to the second content, which differs from the first content, by users having a second demographic characteristic, which differs from the first demographic characteristic. The method further includes "<u>accessing a demographic characteristic</u> associated with a user in a database based on

the online identifier for the user" (emphasis added) and "based on the demographic characteristic associated with the user, automatically selecting a selected favorites menu from among a plurality of favorites menus that include the first and second favorites menus" (emphasis added). Appellants request reversal of the rejection of claim 79, and its dependent claims, because Bates does not describe or suggest accessing a demographic characteristic associated with a user based on an online identifier of the user and selecting a favorites menu from among a plurality of favorites menus based on the demographic characteristic.

Bates describes a system that enables a user of a web browser to store tentative bookmark information by enabling the user to "stage" or "mark" visited sites as potential bookmarks. At a later point in time, the user may review the list of staged bookmarks and "promote" any or all of the staged bookmarks to become part of the user's standard bookmark file. Col. 3, lines 31-40. When a user launches the web browser, the web browser retrieves a user profile specific to the user based on "log-in parameters, network identifiers, or other identification techniques." Col. 7, lines 44-50. The user profile may be examined to identify and retrieve bookmarks previously staged by the user. Col. 7, lines 51-57.

Notably, Bates does not describe or suggest accessing a demographic characteristic of a user based on an online identifier of the user. Rather, Bates describes retrieving a user profile based on, for example, log-in credentials. Bates provides no description or suggestion that this user profile includes a demographic characteristic. On the contrary, the user profile apparently only contains information for identifying previously staged bookmarks specific to the user.

The advisory action of March 28, 2006 reiterates the assertion that the user profile described by Bates includes a demographic characteristic. In support of this assertion, the Examiner again cites column 7, lines 51-57 of Bates. However, neither this portion nor any other portion of Bates describes or suggests that the user profile contemplated by Bates includes a demographic characteristic.

Moreover, Bates does not describe or suggest selecting a favorites menu from among a plurality of favorites menus based on the accessed demographic characteristic. Assuming solely for the sake of argument, that the user profiles described by Bates may be equated to the recited favorites menus, Bates does not describe or suggest selecting from among multiple different user profiles based on a demographic characteristic of a user. Rather, Bates describes retrieving a

user profile based on, for example, log-in parameters and network identifiers that uniquely identify a specific user.

The advisory action of March 28, 2006 seems to suggest that the description in Bates of using the user profile to identify previously staged bookmarks meets the limitation of selecting a favorites menu from among a plurality of favorites menus based on the accessed demographic characteristic. Appellants disagree. As stated above, Bates does not describe or suggest that its user profile includes a demographic characteristic. Even assuming solely for the sake of argument that the user profile described by Bates includes a demographic characteristic, no teaching in Bates describes or suggests that this demographic characteristic, rather than some other user-specific information in the user profile, is used to identify previously staged bookmarks, much less used to select a favorites menu from among a plurality of favorites menus.

For at least these reasons, appellants request reversal of the rejections of claim 79 and its dependent claims 80-89.

> **(b)   The subject matter of independent claim 107 is not anticipated under
> 35 U.S.C. §102(e) by the teachings of Bates**

Claim 107 recites a computer implemented system for tailoring a user interface favorites menu for a user. The system includes means for performing the method described by claim 79. Accordingly, for at least the same reasons described above, appellants request reversal of the rejection of claim 107 because Bates does not describe or suggest accessing a demographic characteristic associated with a user based on an online identifier of the user and selecting a favorites menu from among a plurality of favorites menus based on the demographic characteristic.

The fee in the amount of $500 in payment for the Appeal Brief fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____ 8/ 15 /06 _____
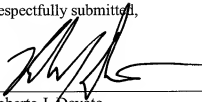
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Appendix of Claims

1-78. (cancelled).

79. A method of tailoring a user interface favorites menu for a user, the method comprising:

providing a first favorites menu related to first content and configured to enable access to the first content by users having a first demographic characteristic;

providing a second favorites menu related to second content and configured to enable access to the second content, which differs from the first content, by users having a second demographic characteristic, which differs from the first demographic characteristic;

receiving an online identifier for a user;

accessing a demographic characteristic associated with the user in a database based on the online identifier for the user;

based on the demographic characteristic associated with the user, automatically selecting a selected favorites menu from among a plurality of favorites menus that include the first and second favorites menus;

automatically making the selected favorites menu perceivable to the user, the selected favorites menu containing a plurality of links, each link selectable to access a particular content item; and

enabling the user to manually add links to the plurality of links or remove links from the plurality of links in the selected favorites menu for that user, where subsequent perception of the selected favorites menus reveals a menu of favorites that includes added links and excludes removed links.

80. The method of claim 79, wherein the first favorites menu comprises a first pull-down menu and the second favorites menu comprises a second pull-down menu that differs from the first pull-down menu that differs from the first pull-down menu.

81. The method of claim 79, wherein the first favorites menu contains one or more links that enable access to the first content from a remote source, and the second favorites menu

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contains one or more links that enable access to the second content from a different remote source.

82. The method of claim 81, wherein the remote source comprises a network services provider.

83. The method of claim 81, wherein the first content comprises e-mail.

84. The method of claim 81, wherein the first content comprises internet content.

85. The method of claim 81, wherein the first content comprises a chat session.

86. The method of claim 79, wherein the demographic characteristic of the user comprises a maturity level of the user.

87. The method of claim 86, wherein the first demographic characteristic comprises a child maturity level and the first favorites menu enables access to child appropriate content.

88. The method of claim 87, wherein the second demographic characteristic comprises an adult maturity level and the second favorites menu enables access to adult appropriate content.

89. The method of claim 79, wherein automatically making the selected favorites menu perceivable comprises making the selected favorites menu perceivable without manual selection by the user of the selected favorites menu.

90-106. (canceled)

107. A computer implemented system for tailoring a user interface favorites menu for a user, the system comprising:

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means for providing a first favorites menu related to first content and configured to enable access to the first content by users having a first demographic characteristic;

means for providing a second favorites menu related to second content and configured to enable access to the second content, which differs from the first content, by users having a second demographic characteristic, which differs from the first demographic characteristic;

means for receiving an online identifier for a user;

means for accessing a demographic characteristic associated with the user in a database based on the online identifier for the user;

means for automatically selecting, based on the demographic characteristic associated with the user, a selected favorites menu from among a plurality of favorites menus that include the first and second favorites menus;

means for automatically making the selected favorites menu perceivable to the user, the selected favorites menu containing a plurality of links, each link selectable to access a particular content item; and

means for enabling the user to manually add links to the plurality of links or remove links from the plurality of links in the selected favorites menu for that user, where subsequent perception of the selected favorites menus reveals a menu of favorites that includes added links and excludes removed links.

108. (canceled)

Evidence Appendix

None

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Related Proceedings Appendix

None